

consult with RUS at the earliest stages of planning for any proposal which may require RUS action. Since planning efforts and environmental evaluation for power supply facilities, including power plants, transmission lines, coal or other fuel development, are inter-related, these activities should take place within the same time frame.

**§ 1794.11 Consideration of alternatives.**

In determining what are reasonable alternatives, RUS will consider a number of factors including, but not limited to, state of the technology, availability of resources and the time frame in which the identified need must be fulfilled.

**§ 1794.12 Public involvement.**

In carrying out its responsibilities under NEPA, RUS shall make diligent efforts to involve the public in the environmental review process through the following means:

(a) RUS notices required by part 1794 shall be published in the FEDERAL REGISTER and shall describe the nature, location and extent of the proposed action and indicate the availability and location of additional information.

(b) Borrower's notices, when required by this part or otherwise required by RUS, shall consist of both a legal notice and a paid advertisement published in a timely manner in a newspaper or newspapers of general circulation in the counties in which the proposal will take place or such other places as RUS determines. It shall generally describe the nature, location and extent of the Borrower's proposal and indicate the availability and location of additional information. If both the paid advertisement and legal notice appear in the same edition, the advertisement need not be lengthy and can refer the reader to the legal notice for a more detailed explanation. The Borrower shall consult with RUS prior to issuance of Borrower's notices where an EIS or Environmental Assessment (EA) will be prepared.

(c) The Borrower shall submit to RUS, as soon as practicable after publication, copies and publication dates of all Borrower's legal notices and paid advertisements published. A copy of all comments received by the Borrower

(including the Borrower's position, if any) concerning environmental aspects of the proposal shall be provided to RUS in a timely manner.

(d) Public hearings or meetings may be held at reasonable times and locations concerning environmental aspects of a proposed action in all cases where, in the Assistant Administrator's opinion, the need for hearings or meetings is indicated in order to develop adequate information on the environmental implications of the proposed action. The following shall be required in connection with a meeting or a hearing:

(1) Where an environmental document is the subject of the hearing or meeting, that document will be made available to the public at least ten (10) days in advance.

(2) Any person, organization or government body desiring to make a statement at the hearing or meeting may make such statement in writing or orally. Public hearings or meetings normally will be informal and will generally be confined to the environmental aspects of the proposal.

(3) RUS notice shall be published at least thirty (30) days before the hearings or meetings. The Borrower's notice of the hearings or meetings shall be published at least ten (10) days but no more than thirty (30) days before the hearings or meetings. RUS shall determine the counties in which the Borrower's notice shall be published in newspapers of general circulation to assure that persons most likely to be affected by the proposal will be made aware of the hearings. The notice shall present the date, time, location and purpose of the hearing or meeting. If an environmental document is the subject of the hearing or meeting, the notice shall inform the public where it can be obtained or is available for review.

(e) A list of RUS administrative actions for which EIS's and EA's are being prepared or contemplated will be available for public inspection at RUS's offices in Washington, DC.

**§ 1794.13 Interagency involvement.**

In carrying out its responsibilities under NEPA, RUS shall, to the extent

practicable, coordinate its environmental review and combine its meetings and hearings with those of other Federal, state and local agencies. The Borrower shall inform RUS of potential involvement of other agencies in the proposal at the earliest practicable time to facilitate such coordination.

### Subpart C—Provisions Applicable to EA or EIS Preparation

#### § 1794.20 Interagency coordination.

(a) Whenever practicable, RUS will encourage the use of a lead agency in preparation of an EIS or EA so that a single document and review process will cover all Federal agency actions arising from the proposal or directly related group of proposals. It is the policy of RUS to volunteer to act as lead agency in the preparation of an EA or EIS when the Borrower so requests, and when RUS would normally prepare an EA or EIS for the proposal.

(b) Where RUS acts as a cooperating agency, RUS shall rely upon the lead agency's procedures for implementing NEPA and CEQ regulations in the preparation and issuance of an EA or EIS, unless the lead and cooperating agencies agree to a modification of these procedures.

(1) RUS shall request that the lead agency indicate that RUS is a cooperating agency in all NEPA related notices published for the proposal. In addition, RUS shall request that the lead agency permit RUS to review and comment on the EA or draft and final EIS prior to issuance.

(2) The Borrower shall inform RUS in a timely manner of its involvement in a proposal where another Federal agency is preparing an EIS or EA to permit RUS to adequately fulfill its duties as a cooperating agency.

(c) Where practicable and in order to eliminate duplication and delay, RUS will coordinate its NEPA process with state and local environmental procedures. Where state or local agencies control siting of electric transmission lines or electric generating stations, RUS shall consult and coordinate with those state and local agencies in determining what are the reasonable siting and route alternatives.

#### § 1794.21 Limitations on actions during the NEPA process.

In determining which Borrower activities related to a proposal requiring development of an EA or EIS may be approved prior to completion of the NEPA process, RUS must determine, among other matters that:

(a) The activity will not have an adverse environmental impact. For example, purchase of water rights, optioning or transfer of land title, or continued use of land as historically employed will not have an adverse environmental impact. However, site preparation or construction at or near the proposed site (*e.g.*, rail spur) or development of a related facility (*e.g.*, opening a captive mine) normally will have an adverse environmental impact.

(b) The expenditure is "minimal." To be minimal the expenditure:

(1) Must not exceed the amount of loss which the borrower could absorb without jeopardizing the government's security interest in the event the proposed project is not approved by the Administrator, and

(2) Must not compromise the objectivity of RUS's environmental review. Notwithstanding other considerations, expenditures up to 10 percent of the proposed project cost normally will not compromise RUS's objectivity.

#### § 1794.22 Tiering.

It is RUS's policy to tier EIS's and EA's where:

(a) It is practicable, and  
(b) There will be a reduction of delay and paperwork, or where better decisionmaking will be fostered.

[49 FR 9550, Mar. 13, 1984; 49 FR 10083, Mar. 19, 1984]

### Subpart D—Classification of Proposals

#### § 1794.30 Control.

For environmental review purposes, RUS has identified and set forth categories of Borrower proposals. A Borrower or Borrowers may propose to participate with other parties in the ownership of a project where the Borrowers do not have sufficient control and responsibility to alter the development of the project. In such a case the